



# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

**In replying refer to:**

Public Notice Number: 2005-00633-YN  
Issue Date: October 17, 2005  
Expiration Date: November 17, 2005

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Town of Waverly  
P.O. Box 289  
Saint Regis Falls, NY 12980

ACTIVITY: Discharge fill material into 0.16 acres of waters of the United States to facilitate the re-opening of a public beach.

WATERWAY: Wetlands and St. Regis River

LOCATION: Town of Waverly, Franklin County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

**CENAN-OP-RW**  
**PUBLIC NOTICE NO. 2005-00633-YN**

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

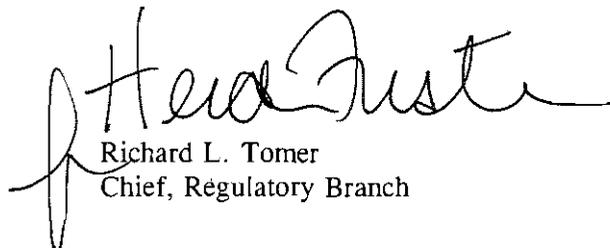
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- Adirondack Park Agency
- Department of Health
- Town of Waverly

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (518) 270-0588 and ask for Brad Sherwood.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

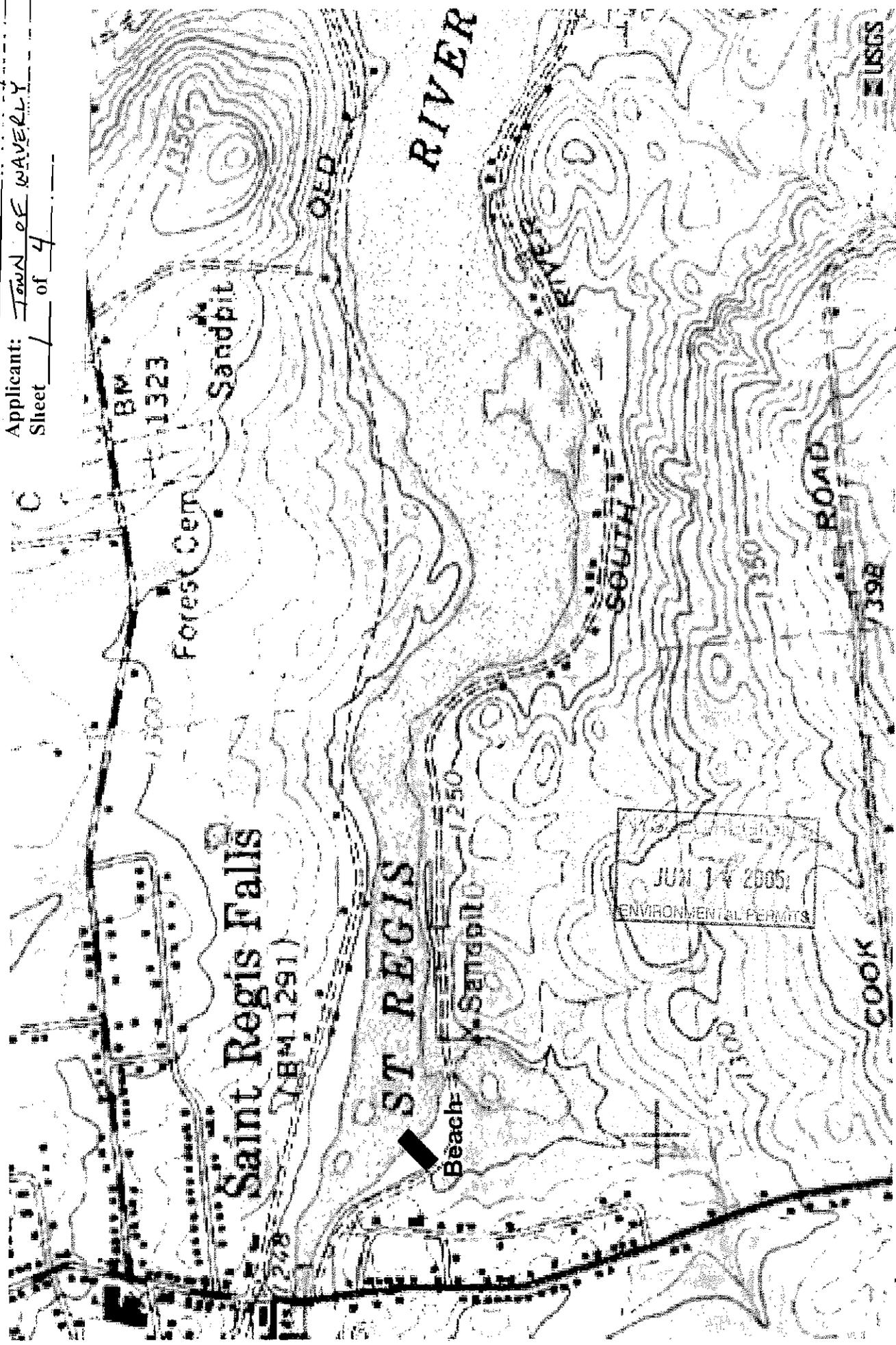
The applicant, Town of Waverly, has requested Department of the Army authorization for the discharge of fill material into 0.16 acres of waters of the United States to facilitate the re-opening of a public beach. The site is located along South River Road, in the Town of Waverly, Franklin County, New York.

The work would involve the discharge of approximately 86 cubic yards of pea gravel below the ordinary high water mark of the St. Regis River, including 0.16 acres of wetland, to facilitate the re-opening of the municipal beach. The beach will cover an area 100 feet long by 100 feet wide, with pea gravel covering an area 100 feet long by 70 feet wide. The New York State Department of Health is requiring the applicant to place 4 inches of pea gravel in the designated swim area to a depth of 6 feet, which is 70 feet from the shoreline. An agreement has been worked out with the owner and operator of the power dam located approximately 1000 feet downstream, and the river will be lowered to the depth necessary to place the pea gravel 70 feet from the shoreline. The work will be performed with a bulldozer, after the pea gravel is deposited by dump trucks. A silt fence will be installed around the perimeter of the fill area prior to the placement of the fill. The silt fence will be left in place until the completion of the work, including the raising of the water level.

To mitigate for the proposed impacts to aquatic resources, the applicant has proposed a mitigation plan involving the eradication of non-indigenous plant species in the Town of Waverly. The applicant plans to work with the Adirondack Park Invasive Plant Program and the Adirondack Chapter of The Nature Conservancy to remove approximately 350 mature purple loosestrife (Lythrum salicaria) plants located west of the project site, as well as a confined stand of Japanese knotweed (Polygonum cuspidatum) that exists adjacent to the public beach parking area.

The stated purpose of this project is to re-open a municipal beach for recreational use by the public.

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Sheet 1 of 4



Scale: Approximately 0.5 Mile

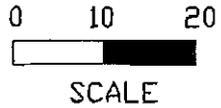


Saint Regis Falls Proposed Municipal Public Beach  
1983 USGS Saint Regis Falls Quadrangle  
UTM 18 Coordinates 536534E, 4946443N (WGS84/NAD83)

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4" Pea Gravel as per Dept. of Health Requirement

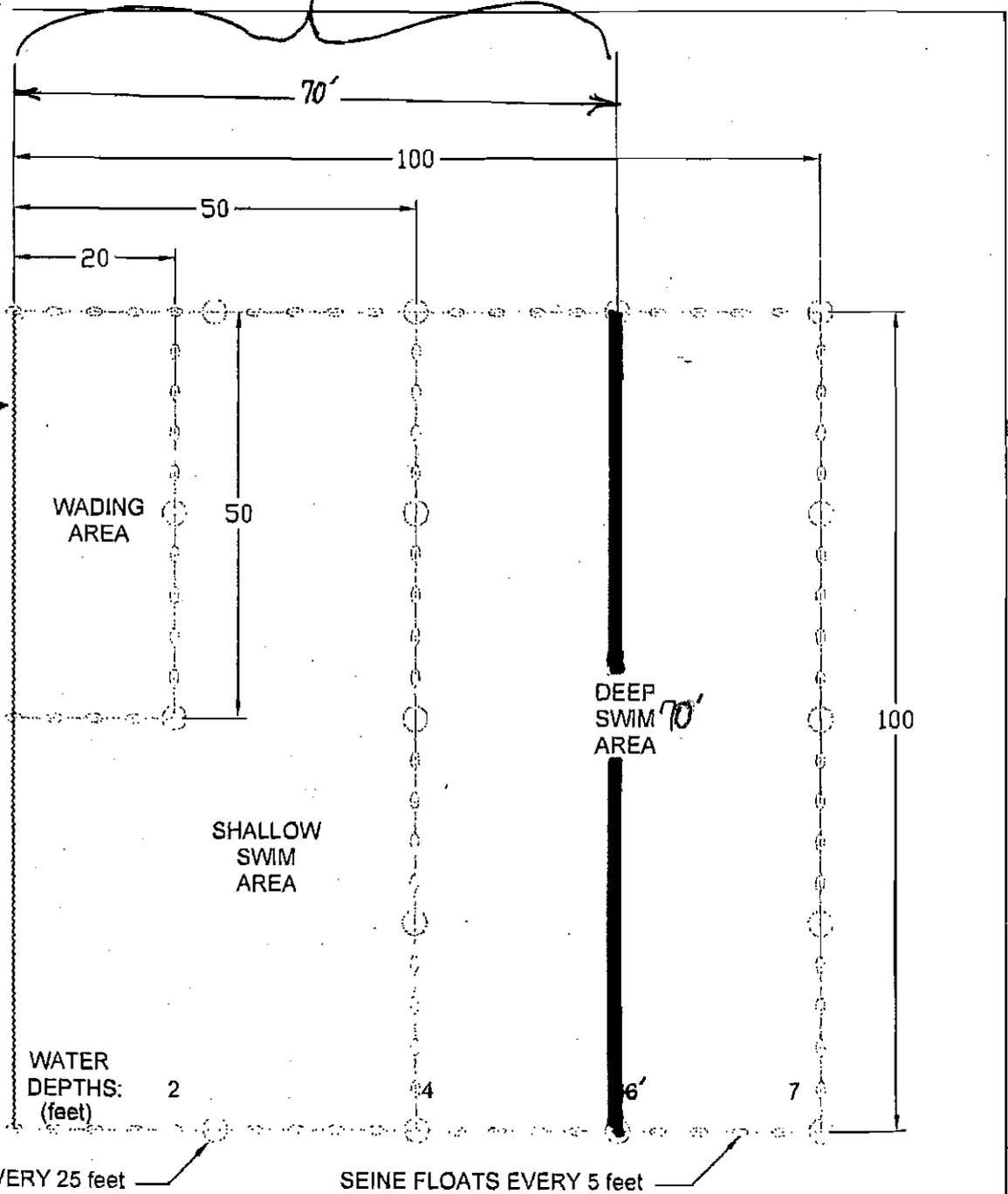
**ST. REGIS FALLS BEACH**  
DETAIL OF PROPOSED SWIM AREA  
WITH MARKER LINES  
L.B. MAYNARD, PE 4/9/05



SANDY AREA

LIFEGUARD CHAIR

M.H.W.M. →



MARKER BUOYS EVERY 25 feet

SEINE FLOATS EVERY 5 feet

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**ST. REGIS FALLS BEACH**  
 SECTION VIEW OF BATHING AREA  
 FACING NORTHWEST (DOWNSTREAM)  
 WITH EXISTING DEPTHS AND SLOPES

SCALE: 1" = 20'      L.B.MAYNARD, PE 4/9/05

SANDY AREA

